

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF ARIZONA**  
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June 28, 2013

Mark O. Hatfield United States Courthouse  
1000 Southwest Third Avenue, Room 740  
Portland OR 97204-2802

Re: USA vs Silva-Mendoza  
Our Magistrate Case No. 4:13-mj-12397  
Your Criminal No: 3:11CR00467-009-MO

Dear Clerk:

In connection with the above-entitled Removal Proceedings, enclosed are the instructions for retrieving electronic case files.

Please acknowledge receipt of same on the copy of this letter and return to the Tucson office for filing.

BRIAN D. KARTH, CLERK

/s/ A. Smith  
A. Smith, Deputy Clerk

cc: US Attorney, District of Oregon, Portland

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*The staff of the Clerk's Office ensures the effective, efficient and professional delivery of clerical and administrative services, while fostering a customer-friendly and employee-friendly environment.*

CLOSED

**U.S. District Court  
DISTRICT OF ARIZONA (Tucson Division)  
CRIMINAL DOCKET FOR CASE #: 4:13-mj-12397-N/A-DTF-1**

Case title: USA v. Silva-Mendoza  
Other court case number: 3:11CR00467-009-MO District of  
Oregon (Portland)

Date Filed: 06/25/2013  
Date Terminated: 06/27/2013

Assigned to: Magistrate Unassigned  
Referred to: Magistrate Judge D  
Thomas Ferraro

**Defendant (1)**

**Lino Marcelo Silva-Mendoza**  
*TERMINATED: 06/27/2013*  
*also known as*  
Silva-Mendoza  
*TERMINATED: 06/27/2013*  
*also known as*  
Lino Marcelo Silva-Mendoza  
*TERMINATED: 06/27/2013*

represented by **Antonio Lopez Zapata**  
Zapata Law Firm  
455 W Paseo Redondo  
Tucson, AZ 85701  
520-624-1616  
Email: [zapatalaw@cox.net](mailto:zapatalaw@cox.net)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**  
*Designation: CJA Appointment*

**Pending Counts**

None

**Disposition**

**Highest Offense Level (Opening)**

None

**Terminated Counts**

None

**Disposition**

**Highest Offense Level  
(Terminated)**

None

**Complaints**

Failing to obey all  
laws(Commission of Federal  
Offense Illegal Entry

**Disposition**

**Plaintiff**

**USA**

represented by **Matthew G Eltringham**  
US Attorneys Office  
405 W Congress St., Ste. 4800  
Tucson, AZ 85701  
520-620-7464  
Fax: 520-620-7320  
Email: [matthew.eltringham@usdoj.gov](mailto:matthew.eltringham@usdoj.gov)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**  
*Designation: Assistant US Attorney*

Date Filed	#	Docket Text
06/25/2013	<u>1</u>	Arrest (Rule 40) of Lino Marcelo Silva–Mendoza (JKM) (JKM). (Entered: 06/27/2013)
06/25/2013	<u>2</u>	Minute Entry for proceedings held before Magistrate Judge D Thomas Ferraro: Initial Appearance in Rule 5(c)(3) Proceedings held on 6/25/2013., Interpreter required for Lino Marcelo Silva–Mendoza (1) SPANISH. Defendant states true name: LINO MARCELO SILVA–MENDOZA Detention Hearing/Removal Hearing set for 6/27/2013 at 10:30 AM before Magistrate Judge D Thomas Ferraro. Antonio Zapata(CJA) is appointed as counsel of record. (Recorded by COURTSMART.) Hearing held 2:29 p.m. to 3:25 p.m..(JKM) (Entered: 06/27/2013)
06/27/2013	<u>4</u>	Minute Entry for proceedings held before Magistrate Judge D Thomas Ferraro: Rule 5(c)(3) Identity Hearing as to Lino Marcelo Silva–Mendoza waived on 6/27/2013. Warrant of Removal to be issued, Added attorney Matthew G Eltringham for USA. TRUE NAME is Lino Marcelo Silva–Mendoza. (Recorded by COURTSMART.) Hearing held 11:16 AM to 11:17 AM.(ALS) (Entered: 06/28/2013)
06/27/2013	<u>5</u>	WAIVER of Rule 5(c)(3) Hearing by Lino Marcelo Silva–Mendoza (ALS) (Entered: 06/28/2013)
06/27/2013	<u>6</u>	COMMITMENT TO ANOTHER DISTRICT as to Lino Marcelo Silva–Mendoza. Defendant committed to District of District of Oregon. Signed by Magistrate Judge D Thomas Ferraro on 6/27/2013.(ALS) (Entered: 06/28/2013)
06/28/2013	<u>7</u>	Letter to the District of Oregon, Portland as to Lino Marcelo Silva–Mendoza. (ALS) (Entered: 06/28/2013)

UNITED STATES DISTRICT COURT  
DISTRICT OF ARIZONA - TUCSON

## MAGISTRATE JUDGE'S MINUTES

DATE: 6/25/2013 CASE NUMBER: 13-12397MUSA vs. Lino Marcelo Silva-MendozaU.S. MAGISTRATE JUDGE: D. THOMAS FERRARO Judge #: 70BUU.S. Attorney Matthew Eltringham(duty) INTERPRETER REQ'D Dan MillerAttorney for Defendant Laura Conover (IA only)INITIAL APP: ☒ HELD DEFENDANT: ☒ PRESENT ☐ NOT PRESENT ☐ RELEASED ☐ CUSTODY☒ Complaint Filed ☒ DOA 6/24/2013☐ Warrant Other District☒ Financial Afdvt taken☐ Warrant Phx Div.☐ No Financial Afdvt taken☐ Counsel waives reading of the Complaint/Indictment☒ Defendant states true name to be Lino Marcelo Silva-Mendoza.  
Further proceedings Ordered in defendant's true name.☒ Government's motion for detention and request for a continuance of the Detention Hearing pursuant to 18§3142(e) & (f)  
is ☒ Granted ☐ Denied☒ Defendant shall be temporarily detained in the custody of the United States Marshal pursuant to ☒ 18§ 3142(f) ☐ 18§ 3142(d)PSA recommends \_\_\_\_\_; Gov't ☐ concurs ☐ objects

GOVERNMENT recommends \_\_\_\_\_

☐ Court accepts/rejects stip of pty's/recommendation by \_\_\_\_\_

Bail set at \$ \_\_\_\_\_

☐ Defendant signed Order Setting Conditions of Release and released on \_\_\_\_\_

<b>DETENTION HEARING:</b> <input type="checkbox"/> Held <input type="checkbox"/> Cont'd Set for: 6/27/2013 at 10:30 AM before: MAGISTRATE JUDGE FERRARO	<b>REMOVAL HEARING:</b> <input type="checkbox"/> Held <input type="checkbox"/> Waived Set for: 6/27/2013 at 10:30 AM before: MAGISTRATE JUDGE FERRARO
Gov't's request for detention <input type="checkbox"/> Granted <input type="checkbox"/> Denied	<input type="checkbox"/> <b>COMMITMENT TO ANOTHER DISTRICT ISSUED</b>
<input type="checkbox"/> Defendant Ordered detained pending Removal Hearing <input type="checkbox"/> Gov't withdraws request to detain defendant	<input type="checkbox"/> <b>ORDER BOND</b> posted in this case be transferred to the U.S. District Court for the <u>Oregon</u> where this matter is pending

☐ Deft. signs written Waiver of Removal Hrg. The Magistrate Judge finds, on the basis of def't's written waiver of removal hrg and this Magistrate Judge's receipt of the original/certified copy of the warrant from the \_\_\_\_\_, that there is probable cause to believe that this defendant is the \_\_\_\_\_, named in the said warrant, and that there is probable cause to believe that an offense has been committed against the laws of the United States of America.OTHER: Antonio Zapata (CJA) is appointed counsel of record.Recorded by Courtsmart  
BY: Rose Chavez  
Deputy ClerkIA: 0Start time: 2:29  
Stop time: 3:25

DATE: 6/27/2013 CASE NUMBER: 13-12397MUSA vs. Lino Mercelo Silva-MendozaU.S. MAGISTRATE JUDGE: MAGISTRATE D. THOMAS FERRARO Judge #: 70BUU.S. Attorney Beverly Anderson for Matthew Eltringham INTERPRETER REQ'D Ronald ZellonAttorney for Defendant Antonio Zapata (CJA)

<b>DETENTION HEARING:</b> <input type="checkbox"/> Held <input type="checkbox"/> Cont'd Set for: before:	<b>REMOVAL HEARING:</b> <input type="checkbox"/> Held <input checked="" type="checkbox"/> Waived Set for: before:
Gov't's request for detention <input type="checkbox"/> Granted <input type="checkbox"/> Denied	<input checked="" type="checkbox"/> <b>COMMITMENT TO ANOTHER DISTRICT ISSUED</b>
<input checked="" type="checkbox"/> Defendant Ordered temporarily detained pending Detention Hearing in charging district. <input type="checkbox"/> Gov't withdraws request to detain defendant	<input type="checkbox"/> <b>ORDER BOND</b> posted in this case be transferred to the U.S. District Court for the <u>Oregon</u> where this matter is pending

☒ Deft. signs written Waiver of Removal Hrg. The Magistrate Judge finds, on the basis of deft's written waiver of removal hrg and this Magistrate Judge's receipt of the original/certified copy of the warrant from the District of Oregon, that there is probable cause to believe that this defendant is the Lino Mercelo Silva-Mendoza, named in the said warrant, and that there is probable cause to believe that an offense has been committed against the laws of the United States of America.

☒ IT IS ORDERED that the Marshal promptly remove defendant from the District of Arizona to the charging district.

OTHER: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Recorded by Courtsmart  
BY: Molly Frasher  
Deputy Clerk

Removal Hrg: 1

Start time: 11:16  
Stop time: 11:17

UNITED STATES DISTRICT COURT

FOR THE

DISTRICT OF ARIZONA

FILED	LODGED
RECEIVED	COPY
JUN 27 2013	
CLERK U.S. DISTRICT COURT DISTRICT OF ARIZONA	
BY	DEPUTY

Magistrate Judge's Docket No. 13-12397M

Case No. 11-CR-00467-009-MO

United States of America )

V )

WAIVER OF REMOVAL HEARING

Lino Marcelo Silva-Mendoza )

I, Lino Marcelo Silva-Mendoza, charged in a proceeding pending in the District of Oregon, with violation of 18:3583; VIO. SUPERVISED RELEASE and having been arrested in the District of Arizona and taken before D. THOMAS FERRARO, a United States Magistrate Judge for that district, who informed me of the charge and of my right to retain counsel or request the assignment of counsel if I am unable to retain counsel, and to have a hearing or execute a waiver thereof, do hereby waive a hearing before Judge Ferraro and consent to the issuance of a warrant for my removal to the District of Oregon where the aforesaid charge is pending against me. I further waive the presentment of the original/certified copy of the warrant from the District of Oregon in the District of Arizona.

DATE: 6/27/2013

DEFENDANT SIGNATURE

Witness

UNITED STATES MAGISTRATE JUDGE

CC: M. Eltringham; Zapata, A.; PTS;

# UNITED STATES DISTRICT COURT

for the  
District of Arizona

FILED	LODGED
RECEIVED	COPY
JUN 27 2013	
CLERK U.S. DISTRICT COURT DISTRICT OF ARIZONA	
BY	DEPUTY

United States of America  
v.

Case No. 13-12397M

Lino Marcelo Silva-Mendoza  
Defendant

Charging District's  
Case No. 11-CR-00467-009-MO

## COMMITMENT TO ANOTHER DISTRICT

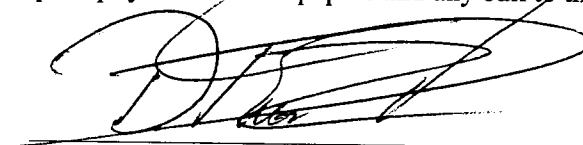
The defendant has been ordered to appear in the \_\_\_\_\_ District of Oregon,  
(if applicable) \_\_\_\_\_ division. The defendant may need an interpreter for this language:  
Spanish

The defendant: ☐ will retain an attorney.  
☒ is requesting court-appointed counsel.

The defendant remains in custody after the initial appearance.

**IT IS ORDERED:** The United States marshal must transport the defendant, together with a copy of this order, to the charging district and deliver the defendant to the United States marshal for that district, or to another officer authorized to receive the defendant. The marshal or officer in the charging district should immediately notify the United States attorney and the clerk of court for that district of the defendant's arrival so that further proceedings may be promptly scheduled. The clerk of this district must promptly transmit the papers and any bail to the charging district.

Date: Jun 27, 2013



Judge's signature

D. Thomas Ferraro, United States Magistrate Judge

Printed name and title

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